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**REGISTERED PATENT AGENT

DATE: January 9, 2002

FACSIMILE COVER PAGE

OUR FAX # 949-450-1764

OUR TELEPHONE # 949-450-1750

TO: Commissioner for Patents

YOUR FAX # 703-872-9307

FROM: Jean F. Heuler for Frank J. Uxa

RE: 09/489,667

OUR REF. D-2875

THIS TRANSMISSION CONSISTS OF 3 PAGES INCLUDING THIS COVER
PAGE.

PLEASE CONTACT US IF YOU DO NOT RECEIVE ALL OF THE PAGES.

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Enclosed is a Notice of Appeal (large entity) and Request for Extension of Time, in two (2) pages, for application no. 09/489,667, filed January 19, 2000 for CLOSTRIDIAL TOXIN DERIVATIVES AND METHODS FOR TREATING PAIN.

(10/00Fec5)

Docket: D-2875

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
 Stephen Donovan)
 Serial No: 09/489,667)
 Filed: 01/19/2000) Group Art Unit: 1653
 For: CLOSTRIDIAL TOXIN DERIVATIVES AND)
 METHODS FOR TREATING PAIN) Examiner: Kam, Chih Min

H. De.
Notice of Appeal
Official
1/18/02
CMK

Commissioner for Patents
 Washington, D.C. 20231

NOTICE OF APPEAL

Sir:

This Notice of Appeal is being submitted in response to the July 11, 2001 Final Office Action and the December 12, 2001 Advisory Action issued by the United States Patent and Trademark Office regarding the above-identified application. A response to the Office Action was filed WITHIN TWO MONTHS (i.e., September 11, 2001). The Advisory Action was mailed AFTER THREE MONTHS from the mailing date of the Office Action (i.e., December 12, 2001). Accordingly, the fee for any extension of time is to be calculated from the mailing date of the Advisory Action (i.e., December 12, 2001). A response with a one month extension of time is due January 12, 2002; however, the six month statutory period for responding to the Final Office Action expires January 11, 2002. Accordingly, this Notice of Appeal is being timely filed before the expiration of the six month statutory period.

Applicant hereby petitions for a one-month extension of time.

The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Applicant's Deposit Account No. 01-0885:

1. [X] Notice of Appeal fee amount \$320 (large entity).
2. [X] A one month extension of time fee in the amount of \$110.
3. [X] If any additional extension of time is required, please consider this a petition therefor and charge any additional fees, which may be required, to Applicant's Deposit Account.

9494501764 01/19/02 04:30PM

01-09-02 04:30PM FROM-STOUT, UXA, BUYAN & MULLINS LLP 9494501764 T-257 P.02/03 F-478

Docket: D-2875

4. ☒ Any additional filing fees required under 37 C.F.R. 1.16.
5. ☒ Any patent application processing fees under 37 C.F.R. 1.17.

Respectfully submitted,



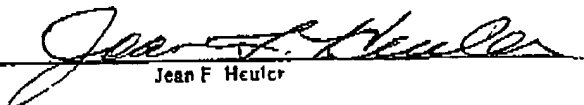
Frank J. Uxa
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January 9, 2002
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CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being transmitted via facsimile to the Commissioner for Patents in Washington, DC 20231, to fax number 703-872-9307, on or before January 9, 2002.

Signature


Jean F. Heuler

Date January 9, 2002